

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  U S WEST COMMUNICATIONS, INC.	DOCKET NO. INU-00-3
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**ORDER EXTENDING PROCEDURAL SCHEDULE  
AND DENYING MOTION TO STRIKE**

(Issued June 9, 2000)

On February 11, 2000, U S WEST Communications, Inc. (U S WEST), filed a petition requesting a determination by the Utilities Board (Board) that the provision of local directory assistance (DA) services are subject to effective competition in Iowa and should be deregulated. Pursuant to 199 IAC 5.3(1), the Board initiated a formal notice and comment proceeding to determine whether local DA services are subject to effective competition and should be deregulated.

In its order dated April 11, 2000, the Board set a date of June 12, 2000, for interested persons to file statements of position concerning the deregulation of the services listed in U S WEST's petition. Counterstatements were to be filed on June 26, 2000, with an oral presentation scheduled for July 12, 2000.

On May 8, 2000, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a request to extend the procedural schedule in this docket citing what it termed a lack of meaningful discovery responses as the impetus for its request. U S WEST responded to the motion of Consumer Advocate on May 18, 2000. U S WEST acknowledged that some of the responses had been late, but also indicated that Consumer Advocate had, as of that date, sent a total of

six sets of data requests involving approximately 350 separate requests for information. U S WEST's response alleged that much of the information requested is "irrelevant, extremely voluminous and unduly burdensome." The Board will not address the substance of the specific data requests or the allegation by U S WEST that the requested information is irrelevant, extremely voluminous, and unduly burdensome because no formal motion to compel has been filed.

In a response filed by Consumer Advocate on May 22, 2000, it argues that it needs a reasonable amount of time to gather information and develop evidence so that the Board will be adequately informed when it makes its ultimate determination. U S WEST filed a motion to strike the May 22, 2000, reply by Consumer Advocate, arguing that the entire basis of the motion to extend the procedural schedule was nothing more than a delay tactic.

The Board has significant concerns with any request to extend this procedural schedule. The issue in this docket is to determine the competitiveness of a communications service. Absent good cause, 199 IAC 5.3(2)"b"(3) requires this determination to be made within 120 days.

The Board is also cognizant of the reality that a utility company is in complete control of the timing of the filing of this request, as well as having the burden to show effective competition if its request is to be granted. The Board will grant an extension of the procedural schedule in this docket, but does so with some hesitation. Any further requests for extension must give very specific reasoning and explanation as to what constitutes good cause for the extension.

The Board will deny the request of U S WEST to strike the May 22, 2000, reply by Consumer Advocate. The Board is considering the information in the May 22 reply in this decision to extend the procedural schedule for good cause.

The Board will extend the requirement to issue findings within 120 days of the filing of the petition. Pursuant to 199 IAC 5.3(2)"b"(4), the Board may extend the deadlines under subparagraphs (2) and (3) for good cause.

**IT IS THEREFORE ORDERED:**

1. The motion to strike the May 22, 2000, filing by Consumer Advocate is denied.
2. Ordering paragraph 4 from the Board's April 11, 2000, scheduling order in this docket is revised to read as follows:
  - a. Any interested person may file, on or before July 12, 2000, a statement of position concerning deregulation of the listed services. Statements of position must substantially comply with 199 IAC 2.2(2). Ten copies must be filed with the original.
  - b. Any person filing a statement of position may file a counterstatement replying to the comments of other participants no later than July 26, 2000. Ten copies must be filed with the original and copies must be served upon all participants filing statements to which the counterstatement responds. Counterstatements must substantially comply with 199 IAC 2.2(3).
  - c. All statements and counterstatements shall be sworn and directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

d. An oral presentation is scheduled for the purpose of taking sworn testimony concerning the statements and counterstatements. The oral presentation shall be held August 16, 2000, beginning at 10 a.m. in the Board's hearing room at 350 Maple Street, Des Moines, Iowa. All persons filing written statements shall have at least one witness available at the oral presentation who may be cross-examined on the subject matter of the written statement. Cross-examination may be by the Board, Consumer Advocate, and other participants as the Board may deem appropriate to develop the record fully. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

3. The Board waives the provision of 199 IAC 5.3(2)"b"(3) that would otherwise require findings within 120 days of the filing of the petition to deregulate.

**UTILITIES BOARD**

/s/ Allan T. Thoms

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 9<sup>th</sup> day of June, 2000.